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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,484	10/13/2000	Donald C. Jackson	0055-0014	9376
58563	7590	02/28/2006	EXAMINER	
HARRITY SNYDER, L.L.P. 11350 RANDOM HILLS ROAD SUITE 600 FAIRFAX, VA 22030			PHAN, MAN U	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/687,484	<b>Applicant(s)</b> JACKSON ET AL.	
	<b>Examiner</b> Man Phan	<b>Art Unit</b> 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-66 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36-41 is/are allowed.
- 6) ☒ Claim(s) 1-19, 22-24, 27-31, 34 and 35 is/are rejected.
- 7) ☒ Claim(s) 20, 21, 25, 26, 32 and 33 is/are objected to.
- 8) ☒ Claim(s) 1-66 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                           |

***DETAILED ACTION***

1. This communication is in response to applicant's 06/13/2005 amendment and the preliminary amendment filed 04/12/2005 in the application of Jackson et al. for a "method and apparatus for localized voice over internet protocol usage" filed 10/13/2000. This application claims benefit from Provisional Application 60/219,911 dated 07/21/2000. This application is a Request for Continued Examination (RCE) under C.F.R. 1.114 filed on June 13, 2005. The proposed amendments to the claims have been entered and made of record. Claims 1-66 are pending in the application.

***Remarks***

2. Applicant's amendment to the pending claims have been considered but are moot in view of the new ground(s) of rejection, and will be examined as discussed below. Furthermore, the rejections of record mailed 09/20/2005 are withdrawn in view of the additional preliminary amendment filed 04/12/2005. Accordingly, This action is made Non-Final, and a new ground of rejection is set forth below.

***Election by Original Presentation***

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-41 drawn to the Combined circuit switching and packet switching: Subject matter wherein the switching network has both (a) a switch which establishes a path between a source and destination with the

path being held for the duration of the communication, and (b) a switch which routes information based on an address associated with the information data in a channel which is only occupied for a duration of the time required to transmit the information data and the associated address.

Classified in **class 370, subclass 352**.

- II. Claims 42-66 drawn to the Bridge or gateway between networks: Subject matter having a device for interconnecting two or more networks at a media-access level of a data-link layer. Having a plurality of nodes performing distributed switching: Subject matter having a switching architecture in which a plurality of switch nodes are provided such that the switching function is spread out over a geographical area, wherein information data to be switched is organized with one or more bytes preceded by an identification information indicative of a source or destination station. Classified in **class 370, subclass 401**.

4. Newly submitted claims 42-66 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 42-66 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Specification***

5. The disclosure is objected to because of the following informalities:

The status of the related application USSN# 09/426,102 noted on page 2, line 19 needs to be updated. The Application is now US Patent #6,807,574.

Appropriate correction is required.

***Claim Rejections - 35 USC ' 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 6, 9, 16-19, 22-24 and 27-31, 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldous et al. (US#6,654,722) in view of Subramaniam et al. (US#6,070,187).

With respect to claims 1, 6, 9, 22 and 29, Aldous et al. disclose in Figs. 1 & 2 block diagrams illustrated a VoIP based speech system for servicing a call received over a PSTN comprising: a PSTN-to-IP gateway 3 for connecting to the PSTN 2; an IP network medium 4 connected to the gateway; and a network server 7 in communication with the IP network medium 4 for automated interaction with a user 1 participating in the call (Col. 5, lines 20 plus). Aldous further teaches in Fig. 2 illustrated more detail of the VoIP telephony gateway server 3, in which the VoIP gatekeeper 14 (*proxy server functionality*) can perform load balancing in order to ensure the high availability of VoIP enabled speech servers 5 (*plurality of network servers*) able to receive the voice call (Col. 5, line 59 to Col. 6, line 18).

Aldous et al. does not disclose expressly the configuration server and call discrimination in forwarding the packet switched call. However, Aldous teaches a VoIP-based speech system, in which a VoIP telephony gateway server; at least one speech server, each speech server containing a VoIP-enabled speech application; a VoIP-compliant call control interface between the VoIP telephony gateway server and the speech server; and, a VoIP communications path between the VoIP telephony gateway-

server and the speech application in the at least one speech server (*providing automated dynamic management of the network server*). In the VoIP-based speech system, the VoIP telephony gateway server and the speech application can establish the VoIP communications path through the VoIP-compliant call control interface (see Fig. 2; Col. 2, lines 35 plus). In the same field of endeavor, Subramaniam et al. (US#6,070,187) discloses a method and apparatus that allows a network node to be automatically configured with an IP address and a default gateway address to be configured as its own gateway. The configuration agent resides on a network device (such as a switch or bridge) that is coupled to two network segments, with one network segments including a node to be configured and another network segment including a server capable of automatically providing configuration parameters. The configuration agent acts as a snoop agent. Messages from the configuration server to the node to be configured are "snooped" to discover messages containing an IP address and a default gateway address. Such messages are altered to copy the IP addresses offered to the nodes seeking configuration to the default gateway addresses, and the messages are sent on their way, thereby causing nodes seeking to be configured to be configured as their own default gateway. In some configurations, messages from the node to be configured to the configuration server are altered to ensure that messages from the configuration server to the node seeking to be configured are broadcast messages (See Figs. 3, 6; Col. 6, lines 25 plus).

Although Aldous et al. and Subramaniam do not specifically refer to the *blasting process* in providing automated dynamic management of the network server. This *blasting process* is well known in the art and are widely known in the communication

management functions for providing user notification and connectivity to handle the access to the system resources. As shown in Fig. 2, Aldous et al. teaches a block diagram illustrated the architecture for the VoIP telephony gateway server of Fig. 1, in which advance call management module 15 is provided to implement (alone or in conjunction with other modules) management functions required to permit use of the system by content providers and subscribers, as well as process the blasts transmitted through the system. For example, server management module 15 is programmed to permit creation, deletion, distribution, tracking, and logging of data pertinent to blasts processed by server 14 (Col. 6, lines 20 plus).

Regarding claims 16-19, 23-24, 27-28 and 30-31, 34, 35, Subbramaniam further teach in Figs. 7-10 the flow charts illustrated how the DHCP proxy agent of Fig. 6 processes packets in VoIP communications. At block 138, a packet is received. Control then passes to decision block 140, which determines whether the packet is a DHCPDISCOVER, DHCPREQUEST, DHCP OFFER, DHCPACK, or DHCPNAK packet specifying a network node to be configured as its own gateway. Similar to DHCP snoopy agent 102 as described above, proxy agent 120 can also be configured to maintain a table of MAC addresses identifying network nodes that are to be "helped". If the packet is not one of these packets, or the node is not configured to be "helped", the "NO" branch is taken to block 142, where the packet is transmitted. Control then passes back to block 138 to wait for the next packet to be received. Note that DHCP proxy agent 130 is configured to receive all broadcast packets transmitted in the configuration dialogue. In addition, if any of the packets are from the client are unicast, agent 130 will also receive



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those packets since the client seeking to be configured will believe that agent 130 is its DHCP server (Col. 12, lines 62 plus).

One skilled in the art would have recognized the need for effectively and efficiently using VoIP enabled speech server for communicating information, and would have applied Subramaniam's novel use of the configuration server in VoIP into Aldous's teaching of the VoIP enabled speech server. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Subramaniam's method and apparatus for configuring a network node to be its own gateway into Aldous's voice over IP protocol based speech system with the motivation being to provide a method and system for supporting voice activated services over a telephone interface.

9. Claims 2-5, 7-8, and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldous et al. (US#6,654,722) in view Subramaniam et al. (US#6,070,187) as applied to the claims above, and further in view of of Brown et al. (US#6,604,075).

With respect to claim 2, Aldous and Subramaniam disclose the claimed limitations as discussed in the paragraph 5 above. In the same field of the endeavor Brown et al. (US#6,604,075) discloses a novel method and system for use in communicating information in VoIP using a web-based voice dialog interface, according to the essential features of the claims. Brown provides an Interactive Voice Response (IVR) platform which includes a speech synthesizer, a grammar generator and a speech

recognizer. The speech synthesizer generates speech, which characterizes the structure and content of a web page retrieved over the network. The speech is delivered to a user via a telephone or other type of audio interface device. The grammar generator utilizes textual information parsed from the retrieved web page to produce a grammar. The grammar is then supplied to the speech recognizer and used to interpret voice commands generated by the user. The grammar may also be utilized by the speech synthesizer to create phonetic information, such that similar phonemes are used in both the speech recognizer and the speech synthesizer (Col. 2, lines 36 plus).

With respect to claims 3-5 and 7-8, Aldous teaches a method for coupling a speech application to a telephony gateway server in a VoIP network. Notably, as shown in Fig. 1 of the preferred embodiment, the VoIP Enabled Speech Server 5 can accept voice commands originating in the telephone device 1 for retrieving Web content from a Web server 7 in a data communications network 6. Specifically, the Web content 8 can be a VoiceXML document 8. In response, the VoIP Enabled Speech Server 5 can retrieve the VoiceXML document 8 from the Web server 7 and can synthesize audio data according to instructions contained in the VoiceXML document 8. Subsequently, the synthesized audio data can be transported across the VoIP network 4 to the VoIP telephony gateway server 3 and ultimately to the telephone device 1 (Col. 5, lines 47 plus). Aldous further teaches several well-known protocols implement the VoIP protocol specification including H.323, Session Initialization Protocol ("SIP") and Master Gateway Control Protocol ("MGCP"), upon which voice traffic can be transmitted across IP networks. In a VoIP network, analog speech signals received from an analog speech

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audio source, for example a PSTN or a microphone, are digitized, compressed and translated into IP packets for transmission over an IP network (Col. 1, lines 34-45).

With respect to claims 10-15, they are method claims corresponding to the apparatus and system claims 2-5 and 7-8 as discussed in paragraph 3 above. Therefore, claims 10-15 are analyzed and rejected as previously discussed with respect to claims 12-5 and 7-8.

One skilled in the art would have recognized the need for effectively and efficiently using VoIP enabled speech server for communicating information, and would have applied Brown's teaching of the speech synthesizer, a grammar generator and a speech recognizer in VoIP into Subramaniam's novel use of the configuration server in VoIP and Aldous's teaching of the VoIP enabled speech server. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Brown's web-based voice dialog interface into Subramaniam's method and apparatus for configuring a network node to be its own gateway and Aldous's voice over IP protocol based speech system with the motivation being to provide a method and system for supporting voice activated services over a telephone interface.

***Allowable Subject Matter***

10. Claims 36-41 are allowable

11. Claims 20-21, 25-26 and 32-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for the indication of allowable subject matter: The closest prior art of record fails to disclose or suggest wherein the if the proxy server detects that a number of calls exceeds a predetermined threshold, then the proxy server follows at least one predetermined call routing rule provided by the configuration server, as specifically recited in the claims 20, 25 and 32.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Armenta et al. (US#2002/0010760) is cited to show the apparatus for and method of providing user notification and connectivity

The Partovi et al. (US#6,807,574) is cited to show the method and apparatus for content personalization over a telephone interface.

The Maes et al. (US#6,801,604) is cited to show the universal IP-based and scalable architectures across conversational applications using web services for speech and audio processing resources.

The Williams et al. (US#6,226,289) is cited to show the method and apparatus for dynamically routing calls in an intelligent network.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Man U. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached Monday through Friday from 6:00 am to 3:00 pm.

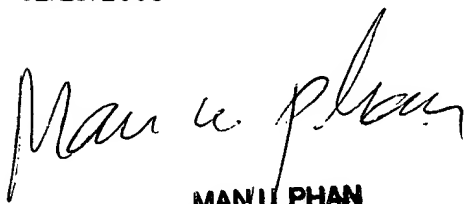
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

Mphan

02/23/2006

  
**MAN U. PHAN**  
**PRIMARY EXAMINER**